

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CASE NO.: 1:21-CR-226-PAB-1
)	
v.)	
)	
DAVIS LU,)	
)	
Defendant.)	
_____)	

MOTION TO CONTINUE
DEADLINE TO OBJECT TO PSR

Defendant Davis Lu moves to continue the deadline for his objections to the Pre-Sentence Report (“PSR”). In particular, Mr. Lu requests the Court reset the deadline to be 14 days following the resolution of his post-trial motion for a new trial. In support of this motion, Mr. Lu states:

1. A jury returned a guilty verdict against Mr. Lu on March 7, 2025. At trial, Mr. Lu was represented by Friedman Nemecek Long & Grant, LLC. Following his guilty verdict, Mr. Lu retained the undersigned as new counsel to represent him in challenging his guilty verdict in this case.

2. The undersigned subsequently filed motions for admission *pro hac vice*, and the Court granted those motions on March 24, 2025 and March 31, 2025.

3. Probation filed Mr. Lu’s PSR under seal on May 1, 2025. Any objections would be due May 15, 2025. *See* Order, May 1, 2025 (“Objections to the report are due to the Probation office within 14 days of this filing.”).

4. There is good cause for an extension of time because Mr. Lu’s post-trial motion for a new trial was filed just yesterday (ECF No. 108); the Government’s opposition is due May 26,

2025, and any reply is due June 2, 2025. Order, April 9, 2025. As a result, Mr. Lu's post-trial filing will not be fully briefed until well-after the deadline for his objections to the PSR.¹ No sentencing date has been set by the Court.

5. Because Mr. Lu is currently incarcerated, it has been difficult for counsel to communicate with him, and it is not possible to communicate via e-mail.

6. Since being retained, counsel has been focused on reviewing discovery, evaluating the strength of potential post-trial motions, and preparing the motion for new trial. As a result, counsel has not yet had the opportunity to review the PSR with Mr. Lu or considered appropriate objections to the loss calculation or other enhancements.

7. For these reasons, there is good cause to extend the deadline for Mr. Lu's time to object to the PSR.

Dated: May 13, 2025

Respectfully submitted,

/s/ Peter Zeidenberg
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Counsel for Defendant Davis Lu

¹ If the Court grants Mr. Davis' Motion for New Trial, the verdict would be vacated and there would be no need to address the PSR.

CERTIFICATE OF SERVICE

I certify that on May 13, 2025, a true and correct copy of the foregoing was served by the Court's CM/ECF system in all counsel of record.

/s/ Peter Zeidenberg
Peter Zeidenberg